

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

DAVID ERWIN JONES, JR.,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Case No. CIV-17-1141-F
	)	
MOORE POLICE DEPARTMENT, et	)	
al.,	)	
	)	
Defendants.	)	

**ORDER**

On November 20, 2017, United States Magistrate Judge Bernard M. Jones issued a Report and Recommendation, wherein he recommended that plaintiff's claims against the Moore Police Department and the Cleveland County Detention Center be dismissed *sua sponte* for failure to state a claim on which relief may be granted. Magistrate Judge Jones advised plaintiff of his right to object to the Report and Recommendation by December 21, 2017.

To date, plaintiff has not filed an objection to the Report and Recommendation. The record reflects that the Report and Recommendation was mailed to plaintiff's last known address, but was returned to the court as undeliverable. Nonetheless, under LCvR 5.4(a), the Report and Recommendation is deemed delivered since it was sent to plaintiff's last known address.


With no objection to the Report and Recommendation filed by plaintiff, the court accepts, adopts and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Bernard M. Jones (doc. no. 8) is **ACCEPTED, ADOPTED** and

**AFFIRMED.** Plaintiff's claims against the Moore Police Department and the Cleveland County Detention Center are **DISMISSED WITH PREJUDICE** for failure to state a claim on which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

This matter remains referred to the Magistrate Judge consistent with the original referral.

IT IS SO ORDERED this 2<sup>nd</sup> day of January, 2018.

  
STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE